
EVALUATOR MANUAL TRANSMITTAL SHEET

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☐ All Child Care Evaluator Manual Holders
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Transmittal No.**14APX3****Date Issued**

January 2014

Subject:

Appendix A – 2013 Chaptered Legislation
Home Care Organizations

Reason for Change:

This document transmits a summary of the legislation chaptered in 2013 affecting Home Care Organizations.

Filing Instructions:

REMOVE:

INSERT: 14APX3 2013 Chaptered Legislation for Home Care Organizations. Do not remove Chaptered Legislation documents from previous years.

Approved:*Signed by Lori Starnes**1/8/2014*

LORI STARNES, Branch Chief
Technical Assistance and Policy Branch
Community Care Licensing Division

Date

Contact Person: Seton Bunker

Phone Number: (916) 651-3495

SUMMARY AND IMPLEMENTATION PLAN 2013 CHAPTERED LEGISLATION

HOME CARE ORGANIZATIONS

| BILL NUMBER/AUTHOR | SUBJECT | PAGE |
|---------------------------|----------------|-------------|
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ACTION REQUIRED

| | | |
|-------------------|--|---|
| AB 1217/Lowenthal | Home Care Services Consumer Protection Act | 1 |
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Unless otherwise noted, all new legislation becomes effective on January 1, 2014. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

AB 1217 (Lowenthal), Chapter 790, Statutes of 2013

Affects: Home Care Organizations

Subject: Home Care Services Consumer Protection Act

Summary: Californians have an increasing desire in hiring private home care aides to provide personal care and assistance to seniors and disabled adults in their own homes. Providing an accessible and reliable way for obtaining criminal background history and limited regulation of home care organizations may enhance public safety and the protection of the health and safety of individuals receiving home care services. AB 1217, effective on and after January 1, 2015, added Chapter 13 (commencing with section 1796.10) to Division 2 of the Health and Safety Code, relating to public health. This bill requires the California Department of Social Services (CDSS) to license home care organizations, which arrange for home care services by an affiliated home care aide to a client. The intent is to establish a basic framework related to the protection of individuals who receive home care services at their homes.

This bill also requires CDSS to establish and maintain a web-based home care aide registry, which shall include the names of home care aides who have passed a background check. The registry will enable the consumer to look up the registration status on the Department's Internet website. Home care aides that are hired by a home care organization are defined as "affiliated home care aides."

Affiliated home care aides are required to complete a minimum of five hours of training and demonstrate that they are free from active tuberculosis disease before they are permitted to provide home care services to a client. Home care aides, who are not affiliated with a home care organization, are defined by the bill as "independent home care aides". Independent home care aides are permitted to apply, and if they pass the background check, to be on the home care registry, but are not required to be on the registry.

This bill also requires:

- A registered home care aide to be 18 years of age or older.
- The owner(s) of the home care organizations, or individual having 10% or greater interest in the entity of the home care organizations to consent to background check.
- Home care organizations to do the following:
 - Have an office in California.
 - Submit proof of general and professional liability insurance and valid workers' compensation policy.
 - Maintain valid workers' compensation policy and employee dishonesty bond.
 - Ensure affiliated home care aides are cleared on the home care aide registry before placing the individual in direct contact with clients.

- Ensure any staff person, volunteer, or employee who has contact with clients, prospective clients, or confidential client information has met the requirements of Section 1796.23 before being hired.
 - Require affiliated home care aides to demonstrate that they are free of active tuberculosis disease.
 - Ensure affiliated home care aides have completed the training requirement, a minimum of five hours entry-level training, prior to providing home care services.
 - Ensure affiliated home care aides have completed a minimum of five hours annual training.
 - Pay a 24-month initial license fee for a new home care organization license and a two-year renewal fee.
- The Department to do the following:
 - Assess a civil penalty of \$900 per day per violation.
 - Assess fees for home care organization licensure and home care aide registration.
 - Issue two-year licenses for home care organizations.
 - Conduct random, unannounced inspections to home care organizations.
 - Develop regulations to implement the provisions pursuant to this bill, though written directives may be used on a limited basis.
 - Create the Home Care Fund and deposit collected fees to the Fund.
 - Create the Home Care Penalties Subaccount and deposit collected fines to the Subaccount.
 - Other than maintaining the home care aide registry, the CDSS shall have no oversight responsibility regarding registered home care aides.

Implementation: Though the statutory requirements become operative on January 1, 2015, the bill states that the provisions in this chapter and any promulgated rules and regulations will only be implemented to the extent that funds are available. The administration of this program will be fully supported by fees, and the initial costs to implement the provisions pursuant to this chapter may be provided through a General Fund loan.

Upon receipt of the funding, CDSS will develop the Web-based registry and related regulations pertinent to the licensure of home care organization and the registration home care aides. CDSS will notice the public when the home care organization licensing and home care aide registration will commence. The Community Care Licensing Division (CCLD) shall implement as follows:

- Promulgate rules, regulations, and standards to carry out the provisions in this chapter. CDSS has the authority to implement by written directives, provided regulations are written within 12 months thereafter.
- Post any rules and regulations promulgated on the public Internet Web site within 10 days of the effective date for public comments.
- Develop a Web-based registry for home care aides.